

Sessions Case No.24 of 2025
Filing No.1215 of 2017
CNR No.- WBCS01-001215 of 2017

Order No.04
Dated 30.04.2025

Today is fixed for production, appearance of the accused persons and hearing of the bail petition dated 28.04.2025 filed on behalf of the accused Rassel Seikh and Kohinoor Bibi Mollah.

Ld. P.P. Mr. Saikat Pandey is present by filing hazira on behalf of the prosecution.

Accused Rassel Sk, Sagar Mollah, Ratna Bibi @ Kohinoor Bibi Mollah and Bisti Bibi @ Nashima are produced from J/C.

Accused Rajkumar Singh on CB is present by filing hazira.

Ld. Advocate for the accused persons is also present.

Record is now taken up for hearing the bail petitions dated 28.04.2025.

Heard the Ld. Advocates and perused the materials on record as well as the CD.

It is stated that no bail petition in respect of these two accused persons is pending before the Hon'ble High Court, Calcutta. That the accused Rassel Seikh and Kohinoor Bibi Mollah were arrested respectively on 16.06.2017 and 30.05.2017 and since then they are languishing behind the bar. Apart from denying the allegations of sexual exploitation and forgery made against the accused persons, it is pointed out that the case which was initially tried before the Exclusive POCSO Court, Calcutta, was subsequently transferred to this Court after it was found that the victim girl was major at the time of the alleged incident. It is submitted that there is no prospect of early conclusion of the trial as the case will be tried afresh before this Court. Accordingly the Ld. Advocate for the accused persons pray for an order enlarging the accused persons on bail on any condition.

The Ld. P.P. raises strong objection against the bail prayer and submits that the allegation against these accused persons are grave and there are sufficient incriminating evidence available against them. Particularly, the Court's attention is drawn to the examination of PW 1 in this case. It is submitted that all efforts will be made to conclude the trial on an early date.

Perused the available materials. Accused Rassel Seikh was facing trial u/s 366B/370(4)/372/373/376/467/468/120B of IPC and Section 17 read with Section 4 of the POCSO Act while accused Kohinoor Bibi Mollah was facing trial u/s 366B/370(4)/372/373/467/468/471/120B of IPC and Section 17 read with Section 4 and Section 18 of the POCSO Act. Since the instant case was transferred to this Court after it was held that the victim was not minor on the date of the alleged incident, there is no applicability of Section 4/17/18 of POCSO Act and Section 370(4)/372/373 of IPC. So the trial is to proceed from the stage it was transferred on the charge already framed against the accused persons under the rest of the Sections i.e. u/s 366B/376/467/468/120B of IPC against the accused Rassel Seikh and u/s 366B/467/468/471/120B of IPC against the accused Kohinoor Bibi Mollah. I do not find any merit in the averment that the case is to be tried afresh before this Court, as made in the bail petitions.

The allegation of importing girls from foreign country as made against the accused persons, is very serious in nature. On perusal of the available evidence, I find sufficient incriminating materials against them. Charge was framed against the accused persons on 21.12.2017 and 14 prosecution witnesses have been examined so far. It appears that the trial is going on in full swing and at this stage, if the accused persons are enlarged on bail, there will be chance of tampering with the materials witnesses. In view of the above discussion, I do not find sufficient reason to enlarge the accused persons on bail at this stage. Accordingly, both the bail petitions dated 28.04.2025 are rejected.

To **12.06.2025** for production and appearance of the accused persons and evidence.

Prosecution to take steps accordingly.

C.D. be returned.

Dictated & corrected by me.

Judge, Bench – II,
City Sessions Court,
Calcutta.
J.O. Code No. WB00868

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